

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

**FREDERICK HARDY and
STACY RUSSELL,**

Plaintiffs,

VS.

CHARTER COMMUNICATIONS,

Defendant.

CIVIL ACTION NO 2:04-0430-CB-L

ORDER

This matter is before the court on the defendant's motion to compel the non-party Custodian of Records for the Zion West #1 Methodist Protestant Church of Selma, Alabama, to allow defendant Charter Communication to inspect and copy the employment records of plaintiff Frederick Hardy as requested in the subpoena served on April 20, 2005. (Doc. 18). Defendant states that Frederick Hardy's attorney was given notice of the subpoena and that Hardy has not objected. Defendant also states that it spoke with officials of the Church and made a good faith effort to inspect and copy the employment records before asking the court for help.

Upon consideration, the court finds that Frederick Hardy and the Custodian of Records for the Church have not filed a written objection to the subpoena with the court or asked the court to quash the subpoena. The court further finds that defendant made a good faith effort to inspect and copy the employment records before asking the court for help. Accordingly, the non-party Custodian of Records for the Zion West #1 Methodist Protestant Church, 2309 Main Street, Selma, Alabama, 36703, is **ORDERED by May 24, 2005**, to either explain to the court in writing why the Custodian

of Records for the Church has not allowed defendant to inspect and copy the employment records of Frederick Hardy, or, in the alternative, allow defendant to inspect and copy the records. If the Custodian of Records lets the defendant inspect and copy the employment records, then the Custodian of Records does not have to file a written explanation with the court. Defendant is **ORDERED** to notify the court as soon as the Custodian of Records allows it to inspect and copy the employment records.

The Clerk of the Court is directed to notify the Custodian of Records at the Church by regular and certified mail at

Zion West #1 Methodist Protestant Church
2309 Main Street
Selma, Alabama, 36703

DONE and **ORDERED** this the 9th day of May, 2005.

s / Kristi D. Lee
KRISTI D. LEE
UNITED STATES MAGISTRATE JUDGE